

# **CITY OF LAS VEGAS, NEW MEXICO**

## **Ordinance No. 21-17**

**AN ORDINANCE TO AMEND** the Code of the City of Las Vegas by adding a new Section 233-2.1 to the existing Chapter 233, Article I, entitled “Cannabis and Hemp Industries / Processing and Extraction Facilities”. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

**BE IT ENACTED** by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas is hereby amended by adding thereto a new Section 233-2.1 to the existing Chapter 233, Fire Code, to read as follows:

### **§ 233-2.1. Cannabis and Hemp Industries / Processing Extraction Facilities.**

A. Short title. This ordinance shall be cited as the “City of Las Vegas Fire Code Section 233-2.1 Cannabis and Hemp Industries / Processing Extraction Facilities” and shall be more generally referred to as part of the “Fire Code”.

B. Authority. The Fire Code is an exercise of the City of Las Vegas powers to provide for the health, safety and welfare of its residents and visitors.

C. Enforcement. This ordinance shall be enforced by the City of Las Vegas Fire Department, Fire Prevention / Enforcement Bureau and/or its designees.

D. Scope. This Section 233-2.1 shall apply to all entities and locations engaged in sales, growing, processing, extraction, consumption, manufacturing, research and/or testing of cannabis, cannabis-related products and/or cannabis extract derivatives. All such entities and occupancies shall fully comply with this Section 233-2.1 and all other provisions of the Fire Code.

E. Definitions. In addition to the definitions in Section 233-1 which apply generally to the Fire Code, the following definitions shall apply only to this Section 233-2.1. In the event of a conflict regarding the application of this Section 233-2.1, the definitions in this Section 233-2.1 shall control over the definitions in Section 233-1. As used in this Section 233-2.1, the following terms shall have the meanings indicated:

NFPA 1 shall mean the Fire Prevention Code, 2021 edition, published by the National Fire Protection Association.

Chemical Fume Hood shall mean a ventilated enclosure designed to contain and exhaust fumes, gases, vapors, mists and particulate matter generated within the hood.

Extraction shall mean the process of using solvents to remove essential oils or other botanic material from the cannabis/marijuana plant.

Post Oil Processing shall mean the process of refining essential oils after the extraction, including but not limited to dewaxing and winterization processes.

F. Adoption. For application as it relates to Cannabis and Hemp Industries / Processing Extraction Facilities in the Jurisdiction, the City hereby adopts the International Fire Code, 2021 edition, Chapter 39 Processing and Extraction Facilities, and also adopts NFPA 1, 2021 edition, Chapter 38 Cannabis Growing, Processing or Extraction Facilities.

G. Fee Schedule. Fees for permits and inspections shall be collected by the City's Fire Department in accordance with the fee schedule, and shall be placed into the 764 Fire Prevention Fund for support and growth of the Fire Prevention and Enforcement Bureau and its fire prevention operations.

Annual Permit cost for Cannabis Facility Operation: \$150.00

Section 2. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this \_\_\_\_ day of September, 2021.

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Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

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Casandra Fresquez, City Clerk

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Scott Aaron, City Attorney